

IN THE SENATE

SENATE BILL NO. 1391

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES SYSTEM AUTHORITIES; AMENDING TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 59, TITLE 31, IDAHO CODE, TO PROVIDE PURPOSE AND FUNCTION, TO PROVIDE FOR THE ESTABLISHMENT OF AN EMSS AUTHORITY, TO PROVIDE FOR THE FORMATION OF AN EMSS AUTHORITY BOARD, TO PROVIDE FOR ELECTION OF AN EMSS AUTHORITY BOARD AND FOR NOTICE, TO PROVIDE FOR REINSTATEMENT OF THE BOARD OF COUNTY COMMISSIONERS AS THE EMSS AUTHORITY BOARD BY PETITION, TO PROVIDE FOR THE NAME OF THE EMSS AUTHORITY BOARD, TO PROVIDE BOUNDARIES OF THE EMSS AUTHORITY, TO PROVIDE FOR CONSOLIDATION OF EMSS AUTHORITIES, TO PROVIDE FOR EMSS AUTHORITY EMPLOYEES, TO PROVIDE FOR AN EMSS AUTHORITY FUND, TO PROVIDE POWERS OF THE EMSS AUTHORITY BOARD, TO PROVIDE FOR ORGANIZATIONS SUBJECT TO THE EMSS AUTHORITY, TO PROVIDE FOR REVIEW AND DETERMINATION OF EMS AGENCIES, TO PROVIDE FOR CHANGE IN EMS AGENCY SERVICES, TO PROVIDE FOR LICENSED AIR MEDICAL SERVICES, TO PROVIDE FOR AN OPERATIONS AND FINANCE PLAN, TO PROVIDE FOR A PENALTY FOR FAILURE TO FILE AN OPERATIONS AND FINANCE PLAN, TO PROVIDE FOR PUBLIC PARTICIPATION IN THE PLANNING PROCESS, TO PROVIDE APPLICABILITY OF NATIONAL AND STATE STANDARDS, TO PROVIDE FOR EMS AGENCY COMPLIANCE, TO PROVIDE TERMS OF OFFICE FOR EMSS AUTHORITY BOARD MEMBERS, TO PROVIDE FOR THE FILLING OF EMSS AUTHORITY BOARD VACANCIES AND FOR EXPANSION OF THE EMSS AUTHORITY BOARD, TO PROVIDE FOR COMPENSATION AND EXPENSES OF EMSS AUTHORITY BOARD MEMBERS, TO PROVIDE FOR THE EMSS AUTHORITY TO ADOPT FEES AND FOR VOLUNTARY CONTRIBUTIONS, TO PROVIDE FOR JOINT POWERS, INTERAGENCY AND MUTUAL AID AGREEMENTS AND FOR FEES FOR SERVICE OUTSIDE THE EMSS AUTHORITY, TO PROVIDE FOR A CAPITAL IMPROVEMENT ACCOUNT, TO PROVIDE A PROHIBITION ON EMS AGENCY SERVICE CHANGES AND FOR AN EXCEPTION, TO PROVIDE FOR CRITICAL CARE INTERFACILITY TRANSFER OF PATIENTS BETWEEN HOSPITALS, TO PROVIDE FOR INTERFACILITY TRANSFER BY LICENSED AIR MEDICAL SERVICES, TO PROVIDE FOR NONEMERGENCY MEDICAL TRANSPORTATION SERVICES, TO PROVIDE DISCRETION OF THE EMSS AUTHORITY BOARD TO REQUIRE CERTAIN CONDITIONS, TO PROVIDE A PENALTY FOR FAILURE TO OBTAIN A CERTIFICATE OF COMPLIANCE, TO PROVIDE FOR EMERGENCY RESOLUTIONS AND MORATORIUMS, TO PROVIDE FOR MEDIATION OF CERTAIN DISPUTES, TO PROVIDE FOR THE PURPOSES OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR THE FORMATION OF A MEDICAL DIRECTORATE, TO PROVIDE FOR BINDING DECISIONS OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR THE NAME OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR MANAGEMENT AND OPERATION OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR MEETINGS OF THE MEDICAL DIRECTORATE AND FOR ACTIONS OF THE MEDICAL DIRECTORATE, TO PROVIDE FOR MEDIATION BY THE IDAHO EMS PHYSICIAN COMMISSION AND TO PROVIDE FOR THE PROVISION OF EMS SERVICES THROUGH CONTRACT; AMENDING SECTION 31-1429, IDAHO CODE, TO REQUIRE CONSENT BY THE EMSS AUTHORITY BOARD FOR WITHDRAWAL OF A FIRE DISTRICT THAT IS A PROVIDER OF AMBULANCE SERVICES; AMENDING SECTION 31-1430, IDAHO CODE, TO PROVIDE FOR AN EXCEPTION; AMENDING SECTION

31-1434, IDAHO CODE, TO REVISE THE DISTRIBUTION OF PROPERTY AND USE OF FUNDS OF A DISSOLVED FIRE PROTECTION DISTRICT; AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1438, IDAHO CODE, TO PROVIDE A PROHIBITION FROM CHARGING THE EMSS AUTHORITY FOR RESPONSES; AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1439, IDAHO CODE, TO PROVIDE FOR CONFORMING WITH THE EMSS AUTHORITY RATE SETTING DECISIONS; AMENDING SECTION 31-3901, IDAHO CODE, TO REVISE QUALIFICATIONS TO PROCURE AN AMBULANCE AND FOR ESTABLISHING AN AMBULANCE SERVICE AND TO PROVIDE FOR PROCURING OTHER RESOURCES NECESSARY TO OPERATE AN AMBULANCE; AMENDING SECTION 31-3902, IDAHO CODE, TO REVISE THE PURPOSES FOR USE OF THE AMBULANCE SERVICE FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-3903, IDAHO CODE, TO PROVIDE A QUALIFICATION FOR THE OPERATION OF AN AMBULANCE SERVICE; AMENDING SECTION 31-3904, IDAHO CODE, TO REMOVE THE USE OF A CHARGED SCHEDULE OF FEES AND TO PROVIDE A CODE REFERENCE; AMENDING SECTION 31-3905, IDAHO CODE, TO REMOVE CERTAIN AUTHORITY TO ALLOW OPERATION OF AN AMBULANCE SERVICE AND TO PERMIT A SPECIAL TAX TO BE LEVIED WITHIN THE BOUNDARIES OF THE COUNTY; REPEALING SECTION 31-3906, IDAHO CODE, RELATING TO AMBULANCE SERVICE AND PERMITTING ADJACENT COUNTIES AND/OR PRIVATE INDIVIDUALS AND CORPORATIONS TO HAVE COOPERATIVE AGREEMENTS; AMENDING SECTION 31-3907, IDAHO CODE, TO REVISE THE FUND INTO WHICH CERTAIN PROCEEDS ARE TO BE DEPOSITED AND TRANSFERRED; AND AMENDING SECTION 31-3909, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE TO WHOM AND FOR WHAT CERTAIN IMMUNITY IS TO BE PROVIDED AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 59, Title 31, Idaho Code, and to read as follows:

CHAPTER 59 EMERGENCY MEDICAL SERVICES SYSTEM AUTHORITY

31-5901. PURPOSE AND FUNCTION. The purpose of an emergency medical services system authority, hereinafter "EMSS authority," is to assure the governance of an emergency medical services system, hereinafter "EMSS." Assuring the existence of an organized EMSS is a governmental function. The function of an EMSS authority shall be separate and apart from any county, city, fire district or ambulance district. The provisions of this chapter shall not be construed to conflict with section 31-2226, Idaho Code.

31-5902. ESTABLISHMENT OF EMSS AUTHORITY. (1) An EMSS authority formed pursuant to this chapter is a political subdivision of this state and is a special limited purposes governmental entity, not for general purposes and powers, but with powers as permitted under this chapter.

(2) The board of county commissioners of any county that has established ambulance service under section 31-3901, Idaho Code, an ambulance district under section 31-3908, Idaho Code, or operates an ambulance service shall establish the EMSS authority under the provisions of

1 this chapter and shall abide by all of the other provisions of this chapter
2 effective no later than January 1, 2012.

3 (3) The board of county commissioners of any county without an
4 ambulance district, without an ambulance fund and does not operate an
5 ambulance is not obligated to form an EMSS authority. The board of county
6 commissioners may initiate the formation of an EMSS authority in accordance
7 with this chapter or its formation may commence upon the receipt of a
8 resolution pursuant to section 31-5903(2)(b), Idaho Code.

9 (4) Counties without an EMSS authority are not bound by the
10 requirements of this chapter.

11 31-5903. FORMATION OF EMSS AUTHORITY BOARD. Two (2) forms of EMSS
12 authority board composition may govern an EMSS authority:

13 (1) The board of county commissioners acting as the EMSS authority
14 board. The county commissioner composition shall be the default governance
15 structure. The members of the board of county commissioners, if serving in
16 their official capacity as members of the EMSS authority governing board,
17 shall act on behalf of the EMSS authority and not as members of a board of
18 county commissioners; or

19 (2) A board comprised of not less than three (3) or more than five (5)
20 specifically elected EMSS authority board members. The composition of the
21 specifically elected EMSS authority board members can occur by:

22 (a) Resolution of the county commissioners filed no later than ninety
23 (90) days before the deadline for filing for candidates pursuant to
24 section 34-704, Idaho Code, in a general election pursuant to section
25 34-601, Idaho Code. An election shall be held to determine the EMSS
26 authority board members; or

27 (b) Resolution of the majority of the cities in an EMSS authority and
28 a resolution of the majority of the fire districts in an EMSS authority
29 and filed with the board of county commissioners no later than ninety
30 (90) days before the deadline for filing for candidates pursuant to
31 section 34-704, Idaho Code, in a general election pursuant to section
32 34-601, Idaho Code. An election shall be held to determine the EMSS
33 authority board members.

34 The EMSS authority board members shall be elected by district. The district
35 boundaries shall be the same as those determined by the board of county
36 commissioners pursuant to section 31-704, Idaho Code. Each EMSS authority
37 board member shall be a resident of the district that he seeks to represent
38 but shall be elected by a vote of all voters in the EMSS authority.

39 31-5904. ELECTION OF EMSS AUTHORITY BOARD -- NOTICE. Upon
40 presentation to the board of county commissioners of a resolution pursuant
41 to section 31-5903(2)(b), Idaho Code, requesting the formation of an EMSS
42 authority board or upon resolution of the board of county commissioners
43 pursuant to section 31-5903(2)(a), Idaho Code, the commissioners shall
44 publish notice of the election pursuant to section 34-602, Idaho Code. An
45 election must be held on the next regularly scheduled general election as
46 specified in section 34-601, Idaho Code. The county shall bear the expense
47 of holding the election.

1 31-5905. REINSTATEMENT OF THE BOARD OF COUNTY COMMISSIONERS AS THE
 2 EMSS AUTHORITY BOARD BY PETITION. The board of county commissioners may be
 3 reinstated as the EMSS authority board by a petition signed by ten percent
 4 (10%) of the registered voters from the previous general election residing
 5 within the EMSS authority, stating the reasons for restoring the original
 6 form of governance and filed with the board of county commissioners no later
 7 than ninety (90) days before the deadline for filing for candidates pursuant
 8 to section 34-704, Idaho Code, in a general election pursuant to section
 9 34-601, Idaho Code. The matter shall be placed on the ballot in the next
 10 regularly scheduled general election as specified in section 34-106, Idaho
 11 Code.

12 31-5906. NAME OF THE EMSS AUTHORITY BOARD. The EMSS authority board
 13 is to be known and designated as the "Board of the (Name) Emergency Medical
 14 Services System Authority."

15 31-5907. BOUNDARIES OF THE EMSS AUTHORITY. The boundaries of the
 16 EMSS authority formed pursuant to this chapter shall be contiguous with
 17 the county boundaries unless a contractual agreement for coverage has been
 18 implemented pursuant to section 31-5942, Idaho Code. No area within the
 19 EMSS authority boundaries shall be excluded and no area or unit of local
 20 government shall exempt itself from inclusion and participation in the EMSS
 21 authority.

22 31-5908. CONSOLIDATION OF EMSS AUTHORITIES. The EMSS authority boards
 23 of two (2) or more adjoining EMSS authorities, or the boards of county
 24 commissioners before the formation of an EMSS authority in one (1) or more
 25 counties, are empowered to cooperate in the establishment of a consolidated
 26 EMSS authority. The board of county commissioners in each county affected
 27 shall hold a public hearing before such consolidation. The formation and
 28 number of members of the consolidated EMSS authority board shall be as
 29 follows:

30 (1) If the EMSS authority will be comprised of two (2) counties with the
 31 board of county commissioners acting as the EMSS authority boards at the time
 32 of consolidation, then the board of county commissioners of both counties
 33 shall act as the EMSS authority board after consolidation;

34 (2) If the EMSS authority will be comprised of two (2) or more counties
 35 wherein one (1) or more of the counties have an elected EMSS authority board
 36 acting as the EMSS authority board at the time of consolidation then an EMSS
 37 authority of either three (3) or five (5) elected board members will act as
 38 the EMSS authority board and shall be elected by the voters in all counties
 39 that will be in the EMSS authority boundaries at the next general election;
 40 or

41 (3) If the authority will be comprised of three (3) or more counties
 42 wherein all of the boards of county commissioners in the counties are acting
 43 as the EMSS authority at the time of consolidation, then each county shall
 44 select a county commissioner to act as the EMSS authority or a specifically
 45 elected EMSS authority of three (3) or five (5) board members may govern the
 46 EMSS authority as provided for in section 31-5903(2), Idaho Code. The EMSS

1 authority board members shall be elected by the voters in all of the counties
2 that will be in the EMSS authority boundaries at the next general election.
3 All other duties of the EMSS authority board shall be conducted as described
4 in this chapter.

5 31-5909. EMSS AUTHORITY EMPLOYEES. The EMSS authority may employ one
6 (1) or more persons for the limited purpose of performing administrative
7 duties. The continuation of such employment is subject to the EMSS authority
8 board approval of an operations and finance plan developed pursuant to
9 section 31-5916, Idaho Code.

10 31-5910. EMSS AUTHORITY FUND. The board of county commissioners of
11 each county shall, by resolution, establish a fund to be designated as the
12 EMSS authority fund. All proceeds from motor vehicle registrations pursuant
13 to section 49-452, Idaho Code, contract revenue collected in accordance
14 with section 31-5911(15), Idaho Code, and other contributions shall be
15 deposited into the EMSS authority fund. The EMSS authority fund shall be
16 used exclusively for the purposes of this chapter.

17 31-5911. POWERS OF THE EMSS AUTHORITY BOARD. The EMSS authority
18 board shall have discretionary powers to manage and conduct the business
19 and affairs of the EMSS authority. The discretionary powers of the EMSS
20 authority board include, but are not limited to:

- 21 (1) Sue and be sued.
- 22 (2) Purchase, hold, sell and convey real property, make such contracts,
23 and purchase, hold, sell and dispose of such personal property as may be
24 necessary or convenient for the purposes of this chapter.
- 25 (3) Approve the annual authority budget by resolution of the EMSS
26 authority board.
- 27 (4) Make and execute all necessary contracts.
- 28 (5) Adopt and enforce such rules and resolutions as may be necessary to
29 carry out the EMSS authority board's duties and responsibilities.
- 30 (6) Hire, pay, promote, discipline and terminate an EMSS authority
31 administrator and administrative EMSS authority employees, contractors and
32 agents, or delegate such powers.
- 33 (7) Set compensation, benefit and reimbursement levels for EMSS
34 authority employees and EMSS authority board members.
- 35 (8) Set and pay administrative expenses.
- 36 (9) Contract with a unit of local government to secure EMSS authority
37 employee benefits or other services as necessary.
- 38 (10) Submit the operations and finance plan required by this chapter
39 to the bureau of emergency medical services of the department of health and
40 welfare.
- 41 (11) Enter into fiduciary agreements, mutual aid agreements and joint
42 powers agreements with units of government.
- 43 (12) Issue a certificate of compliance to licensed emergency medical
44 services agencies to function in the EMSS authority.
- 45 (13) Appoint other committees that EMSS authority board members deem
46 necessary for carrying out the purposes and policies of this chapter.
- 47 (14) Adopt and enforce orders.

1 (15) Establish, charge and collect fees for services provided at the
2 request of one (1) or more ambulance services in the EMSS authority in
3 accordance with the provisions of sections 31-5924, 63-1311 and 63-1311A,
4 Idaho Code. Licensed emergency medical services agencies may, but are not
5 required to, yield to billing services.

6 31-5912. ORGANIZATIONS SUBJECT TO THE EMSS AUTHORITY. All
7 organizations authorized to render emergency medical services pursuant to
8 sections 56-1011 through 56-1023, Idaho Code, regardless of the type of
9 organization and other purposes for which the organization may exist, are
10 subject to the EMSS authority established for the jurisdiction in which they
11 respond to requests for emergency medical services.

12 31-5913. REVIEW AND DETERMINATION OF EMS AGENCIES. The EMSS authority
13 board shall review applications from and determine which emergency medical
14 services agencies can provide emergency medical services responses within
15 the EMSS authority, including the emergency medical services agencies'
16 clinical and patient transportation capability, except as provided in
17 sections 31-5915, 31-5928 and 31-5929, Idaho Code. The EMSS authority
18 board has the duty to negotiate and set conditions associated with
19 response boundaries and performance for the emergency medical response
20 agencies operating within the EMSS authority. Upon approval, the EMSS
21 authority shall issue a certificate of compliance to the emergency medical
22 services agency that includes documentation of the conditions, performance
23 expectations and fiscal impact to the system. An organization seeking
24 to start the provision of emergency medical services or an existing
25 emergency medical services agency that wants to change the level of clinical
26 sophistication or transport capability it provides must first receive an
27 affirmative recommendation and terms and conditions for licensure from
28 the EMSS authority. Such terms and conditions shall be included in an
29 updated operations and finance plan and include performance requirements
30 for the agency that will provide emergency medical services response and
31 the criteria for certificates of compliance when new organizations are
32 authorized to provide those services. The EMSS authority board may also
33 decline requests for such recommendation.

34 31-5914. CHANGE IN EMS AGENCY SERVICES. Any emergency medical
35 services agency licensed by the bureau of emergency medical services of the
36 department of health and welfare upon the effective date of this chapter that
37 maintains continuous licensure thereafter may only be allowed to alter the
38 level of service provided upon majority vote of the EMSS authority board in
39 favor of adoption of an operations and finance plan developed in conformity
40 with section 31-5916, Idaho Code. Elimination of the use of any emergency
41 medical services agency licensed upon the effective date of this chapter
42 shall require a public hearing in accordance with the procedures provided
43 in section 67-2343, Idaho Code, and the unanimous vote of the EMSS authority
44 board. No such vote may be taken when any EMSS authority board member
45 position is vacant.

1 31-5915. LICENSED AIR MEDICAL SERVICES. Except as otherwise provided
2 in this chapter, no additional requirements or certificates of compliance
3 will be required by an EMSS authority of air medical services licensed by the
4 bureau of emergency medical services of the department of health and welfare
5 providing emergency services by aircraft.

6 31-5916. OPERATIONS AND FINANCE PLAN. The EMSS authority and the local
7 emergency medical services agencies are responsible for developing and
8 implementing an operations and finance plan within one (1) year of formation
9 and shall review and update said plan annually. The plan shall be prepared in
10 accordance with rules promulgated pursuant to section 56-1023, Idaho Code.
11 The plan shall consider previous and existing conditions, trends, future
12 goals and objectives. The plan, with applicable maps, charts and reports,
13 shall be based on the following components as they may apply or as specified
14 under the rules including, but not limited to:

- 15 (1) Current EMSS structure and performance;
- 16 (2) A budget identifying disbursement of EMSS authority funds and if
17 applicable, the contribution of local emergency medical services agency
18 funds to the EMSS authority;
- 19 (3) The deployment plan of the EMS providers throughout the EMSS
20 authority, to include contractors, volunteers and other partners and
21 justification of necessary changes thereto; and
- 22 (4) Other factors may include, but are not limited to, population
23 and other pertinent demographics, response time goals, required
24 staffing, mutual aid agreements, competency management strategy,
25 compensation/reimbursement plan and data collection plan.

26 31-5917. PENALTY FOR FAILURE TO FILE OPERATIONS AND FINANCE
27 PLAN. Failure of an EMSS authority to file an operations and finance
28 plan pursuant to section 31-5916, Idaho Code, shall result in the EMSS
29 authority being subject to the discipline pursuant to the provisions of
30 section 56-1022, Idaho Code.

31 31-5918. PUBLIC PARTICIPATION IN THE PLANNING PROCESS. The EMSS
32 authority may provide for advisory committees, citizen meetings, hearings,
33 surveys or other methods to obtain advice on the planning process,
34 operations and finance plan and implementation of said plan. The EMSS
35 authority may also conduct informational meetings and consult with public
36 officials and agencies, the medical community, and civic, educational,
37 professional or other organizations.

38 31-5919. APPLICABILITY OF NATIONAL AND STATE STANDARDS. Standards may
39 be provided as part of commonly recognized national or state standards or
40 guidelines, or limited or required by local EMSS authority rules. Whenever
41 local EMSS authority rules impose higher standards than are required by any
42 statute or state rule, the provisions of the local rules shall prevail.

43 31-5920. EMS AGENCY COMPLIANCE. The EMSS authority is responsible
44 for confirming that every emergency medical services agency functions in a
45 manner that meets or exceeds performance expectations in the operations and

1 finance plan and any other interagency agreements. Functioning in a manner
 2 deviant from the operations and finance plan is subject to review by the EMSS
 3 authority. Any emergency medical services agency in the EMSS authority must
 4 share all data and information requested by the EMSS authority in the course
 5 of an investigation that is not otherwise protected from disclosure under
 6 federal or state law. The EMSS authority may change conditions and terms in
 7 the emergency medical services agency certificate of compliance. The EMSS
 8 authority is required to report the matter to the bureau of emergency medical
 9 services if a possible violation of state emergency medical services laws or
 10 rules occurred.

11 31-5921. TERMS OF OFFICE FOR EMSS AUTHORITY BOARD MEMBERS. When the
 12 board of county commissioners comprises the EMSS authority board, terms
 13 shall be for the duration of their term on the board of county commissioners.
 14 When the EMSS authority board is in the form comprised of specifically
 15 elected officials as described in sections 31-5903(2) and 31-5904, Idaho
 16 Code, the term for two (2) of the EMSS authority board members shall be for
 17 a period of four (4) years following election. The initial term for one (1)
 18 of the EMSS authority board members shall be for a period of two (2) years
 19 following the election, and upon the expiration of the initial two (2) year
 20 term, the seat shall have a four (4) year term thereafter. The board of
 21 county commissioners shall designate which seat shall have the initial two
 22 (2) year term. Except when a board of county commissioners is acting as
 23 the EMSS authority board, county commissioners, city mayors, city council
 24 members and fire district commissioners shall not be eligible to hold office
 25 as an EMSS authority board member.

26 31-5922. FILLING OF EMSS AUTHORITY BOARD VACANCIES -- EXPANSION
 27 OF EMSS AUTHORITY BOARD. (1) Any vacancy occurring on an EMSS authority
 28 board elected pursuant to section 31-5904, Idaho Code, shall be filled by
 29 appointment by the board of county commissioners within thirty (30) days
 30 after the occurrence of such vacancy. Such appointment shall be for the
 31 unexpired term of the EMSS authority board member causing the vacancy for the
 32 same district vacated.

33 (2) The EMSS authority board may, by the unanimous resolution of all
 34 of its members, increase the size of the board to five (5) members. Such
 35 resolution shall be passed at least ninety (90) days before the deadline for
 36 filing for candidates pursuant to section 34-704, Idaho Code, in a general
 37 election pursuant to section 34-601, Idaho Code.

38 (a) If the EMSS authority board elects to increase the size of the
 39 board, the existing board members shall subdivide the EMSS authority
 40 into five (5) districts as nearly equal in population, area and mileage
 41 as practicable, to be known as districts one, two, three, four and five.

42 (b) The new EMSS authority board members shall be elected in the next
 43 general election pursuant to section 34-601, Idaho Code. The initial
 44 term of office for one (1) of the new board members shall be four (4)
 45 years, and the initial term of the other board member shall be two (2)
 46 years and thereafter the seat shall have a term of four (4) years. The
 47 EMSS authority board shall designate which seat shall have the initial
 48 two (2) year term.

1 31-5923. COMPENSATION AND EXPENSES OF EMSS AUTHORITY BOARD
2 MEMBERS. (1) EMSS authority board members elected pursuant to section
3 31-5903(2) and 31-5904, Idaho Code, may receive reasonable compensation
4 for their services as board members. The EMSS authority board shall fix
5 board member benefits and compensation for the fiscal year. Compensation
6 for performing EMSS authority business shall not exceed seventy-five
7 dollars (\$75.00) per day. EMSS authority business shall include time
8 spent preparing for and attending regular and special board meetings and
9 meetings of committees established by the board. Additional compensation,
10 if approved by a majority of the EMSS authority board, may be calculated
11 for board members who attend county or state agency meetings, educational
12 classes, seminars and other miscellaneous EMSS authority business. Board
13 members may also participate in the EMSS authority's employee benefit
14 package in the same manner as employees or volunteers. Any proposed EMSS
15 authority board member benefits and annual compensation shall be published
16 as a separate line item in the annual budget of the EMSS authority.

17 (2) Actual expenses of EMSS authority board members for travel, and
18 other EMSS authority expenses approved by the EMSS authority board, shall
19 be paid to the EMSS authority board members in addition to their annual
20 compensation and benefits. The payment for expenses shall be paid from
21 the funds of the EMSS authority on either a per diem basis or upon the
22 presentation of itemized receipts.

23 31-5924. EMSS AUTHORITY TO ADOPT FEES -- VOLUNTARY CONTRIBUTIONS. The
24 EMSS authority board shall adopt a definition and schedule of fees to be
25 charged for emergency medical services agency responses and emergency
26 medical services related services provided by all such agencies in the EMSS
27 authority area. The schedule of fees may vary by organization or entity. All
28 such fees shall be collected, accounted for and deposited in a fund selected
29 by each licensed emergency medical services agency and shall be used to
30 pay expenses as incurred in the maintenance and operation of that agency.
31 The local emergency medical services agency may contribute funds for the
32 operation of the EMSS authority as defined by agreement in accordance with
33 sections 31-5916(2) and 31-5925, Idaho Code. The EMSS authority board may
34 choose to exclude nonemergency transfer providers from its rate setting
35 process.

36 31-5925. JOINT POWERS, INTERAGENCY AND MUTUAL AID AGREEMENTS --
37 FEES FOR SERVICE OUTSIDE EMSS AUTHORITY. EMSS authorities shall have all
38 of the powers given to political subdivisions of the state of Idaho as
39 set forth in sections 67-2326 through 67-2333 and 67-2339, Idaho Code, to
40 enter into joint powers, interagency or mutual aid agreements with other
41 political subdivisions and municipalities in Idaho and in other states
42 for the purposes of emergency medical services response and for all other
43 purposes of this chapter. An emergency medical services agency responding
44 to a call for emergency assistance to persons or property situated outside of
45 the boundaries of the EMSS authority, if one exists, and any area for which
46 contractual coverage has been arranged pursuant to section 31-5942, Idaho
47 Code, is authorized to charge the fee as adopted by the EMSS authority board
48 in which the agency is based for the services provided.

1 31-5926. CAPITAL IMPROVEMENT ACCOUNT. The EMSS authority board is
2 authorized by resolution to create a capital improvement account. Any
3 emergency medical services agency functioning within the EMSS authority
4 or other political subdivisions may deposit revenue into the capital
5 improvement account in accordance with terms defined in an agreement between
6 the EMSS authority and an emergency medical services agency or the EMSS
7 authority and a political subdivision and outlined in the operations and
8 finance plan developed by the EMSS authority. The EMSS authority board may
9 dedicate all or a portion of the revenue collected pursuant to this chapter
10 to the capital improvement account for the purpose of purchasing necessary
11 buildings, land or equipment for the operation of the EMSS authority. The
12 EMSS authority board is further authorized to carry over and add to the funds
13 in the capital improvement account from year to year in order to make the
14 purchases authorized by this section.

15 31-5927. PROHIBITION ON EMS AGENCY SERVICE CHARGES --
16 EXCEPTION. Except as provided for in a contract for services between the
17 EMSS authority board and a licensed emergency medical services agency, the
18 licensed emergency medical services agency is prohibited from charging the
19 EMSS authority for responses.

20 31-5928. CRITICAL CARE INTERFACILITY TRANSFER OF PATIENTS BETWEEN
21 HOSPITALS. The provision of critical care interfacility transfers of
22 patients between hospitals, as defined in section 39-1301, Idaho Code,
23 is exempt from limitations to provide those interfacility transfers of
24 patients originating in the EMSS authority. The emergency medical services
25 agency is obligated to comply with all other requirements as published in
26 the EMSS authority's operations and finance plan if that EMS agency provides
27 services in the EMSS authority more than twelve (12) times a year.

28 31-5929. INTERFACILITY TRANSFER BY LICENSED AIR MEDICAL
29 SERVICES. Except as otherwise provided in this chapter, no additional
30 requirements or certificates of compliance shall be required of air
31 medical services licensed by the department of health and welfare providing
32 interfacility transfer services by aircraft.

33 31-5930. NONEMERGENCY MEDICAL TRANSPORTATION SERVICES. The EMSS
34 authority board shall determine which emergency medical services agency
35 can provide nonemergency medical transportation services within the EMSS
36 authority and the conditions for which such agency must operate. The
37 approval may include performance requirements as established by the EMSS
38 authority board and objective criteria for certificates of compliance when
39 organizations that are not a part of the EMSS authority are authorized to
40 provide services within the EMSS authority boundaries.

41 31-5931. DISCRETION OF EMSS AUTHORITY BOARD TO REQUIRE CERTAIN
42 CONDITIONS. Performance bonds, proof of liability insurance and terms
43 of notice of any form of termination of services required of individual
44 emergency medical services agencies in an EMSS authority may be required at
45 the discretion of the EMSS authority board.

1 31-5932. PENALTY FOR FAILURE TO OBTAIN CERTIFICATE OF COMPLIANCE. No
2 agency or service subject to regulation pursuant to section 56-1016, Idaho
3 Code, shall operate in an EMSS authority jurisdiction until a certificate of
4 compliance has been issued to said agency or service by the EMSS authority
5 board. Functioning without a current certificate of compliance shall
6 subject the agency or service to penalties pursuant to sections 56-1020,
7 56-1021 and 56-1022, Idaho Code, and rules adopted by the EMSS authority
8 pursuant to section 31-5911(5), Idaho Code.

9 31-5933. EMERGENCY RESOLUTIONS AND MORATORIUMS. If the EMSS authority
10 board finds that an imminent peril to the public health, safety or welfare
11 requires adoption of resolutions as required or authorized under this
12 chapter, or adoption of a moratorium upon the issuance of selected classes
13 of certificates of compliance or licenses, or both, the EMSS authority board
14 shall state in writing its reasons for that finding. The EMSS authority
15 board may then proceed, upon any abbreviated notice of hearing that it finds
16 practical, to adopt the resolution or moratorium. An emergency resolution
17 or moratorium may be effective for a period of not longer than one hundred
18 twenty (120) days. To sustain restrictions established by an emergency
19 resolution or moratorium beyond the one hundred twenty (120) day period, an
20 EMSS authority board must adopt an interim or regular resolution, following
21 the notice and hearing procedures provided in section 67-2343, Idaho Code.

22 31-5934. MEDIATION OF CERTAIN DISPUTES. In the event that a dispute
23 arises between units of local government or emergency medical services
24 agencies over the governance of the EMSS authority, those parties shall be
25 required, prior to initiating any legal action, to submit the contested
26 issue or issues to the bureau of emergency medical services of the department
27 of health and welfare for purposes of mediation to be conducted pursuant to
28 the rules adopted by the Idaho board of health and welfare. The bureau shall
29 have sixty (60) days from the date of submission of any issues to mediate and
30 recommend a course of action to the parties involved in the dispute. Any
31 recommendation of the bureau shall be advisory only and shall not be binding
32 on the parties involved. After receipt of any recommendation by the bureau,
33 the local governments may accept, in whole or in part, the recommendations or
34 may initiate legal action as provided by contract or law.

35 31-5935. PURPOSES OF THE MEDICAL DIRECTORATE. In addition to the EMSS
36 authority board, the duties of which are outlined in section 31-5911, Idaho
37 Code, a medical directorate shall be formed to represent the supervisory
38 medical interests in the community. The medical directorate assures
39 the consideration of patients' clinical needs and authority and agency
40 conformity to the requirements and rules of the Idaho emergency medical
41 services physician commission pursuant to section 56-1013A, Idaho Code.

42 31-5936. FORMATION OF A MEDICAL DIRECTORATE. The clinical management
43 and medical oversight of any EMSS authority shall be delegated to a
44 medical directorate. Each emergency medical services agency with primary
45 responsibility for emergency medical response, prehospital patient care
46 or emergency patient transportation originating within the EMSS authority

1 shall select and designate an emergency medical services medical director
 2 to the medical directorate. The designation must be documented by the
 3 emergency medical services agency chief, president or director. An
 4 emergency medical services medical director may represent one (1) or
 5 more emergency medical services agency within the EMSS authority. In the
 6 event that only one (1) emergency medical services agency exists in the
 7 EMSS authority or all emergency medical services agencies within the EMSS
 8 authority select the same emergency medical services medical director, the
 9 medical directorate shall be comprised of one (1) emergency medical services
 10 medical director. Any medical directorate comprised of two (2) or more
 11 emergency medical services medical directors shall elect a chairman for
 12 the purposes of conducting business and serving as a spokesperson for the
 13 medical directorate.

14 31-5937. BINDING DECISIONS OF THE MEDICAL DIRECTORATE. The EMSS
 15 authority is responsible for compliance with the rules of the EMS physician
 16 commission pursuant to section 56-1023, Idaho Code. The following decisions
 17 of the medical directorate are binding for all emergency medical services
 18 agencies in the EMSS authority:

- 19 (1) Content of the emergency medical services system medical
 20 supervision plan;
- 21 (2) Assessment of clinical ramifications of field operating
 22 procedures;
- 23 (3) Evaluation of the prospective clinical effects of administrative
 24 and operating proposals;
- 25 (4) Placement of limitations on the scope of practice of emergency
 26 medical services personnel functioning in the EMSS authority as required by
 27 the rules of the Idaho emergency medical services physician commission;
- 28 (5) Identification of opportunities for improving the quality of
 29 medical care delivered to patients in the out-of-hospital setting in the
 30 EMSS authority; and
- 31 (6) Other authority as granted by the EMSS authority board.

32 31-5938. NAME OF MEDICAL DIRECTORATE. The medical directorate of an
 33 EMSS authority is to be known and designated as the "Medical Directorate of
 34 the (Name) EMSS Authority."

35 31-5939. MANAGEMENT AND OPERATION OF MEDICAL DIRECTORATE. When
 36 comprised of physicians representing two (2) or more local emergency medical
 37 services agencies, the management and operation of the medical directorate
 38 shall conform to practices as shall be specified in an agreement between
 39 the EMSS authority board and the medical directorate. At a minimum such
 40 agreement shall include due diligence in decision-making and consensus
 41 building.

42 31-5940. MEETINGS OF THE MEDICAL DIRECTORATE -- ACTIONS OF THE MEDICAL
 43 DIRECTORATE. (1) The medical directorate will meet at least once every
 44 fiscal year. A majority of the designated emergency medical services
 45 agency medical directors shall constitute a quorum for the transaction of
 46 any business, for the performance of any duty or for the exercise of any

1 power of the medical directorate. Each physician may cast one (1) vote
 2 during decision-making regardless of the number of local emergency medical
 3 services agencies for which he serves as medical director. Meetings of the
 4 medical directorate shall be conducted pursuant to section 67-2342, Idaho
 5 Code, and procedural rules as adopted by the EMSS authority board.

6 (2) No single vacancy in the medical directorate will impair the right
 7 of the remaining emergency medical services agency medical directors to
 8 exercise all the powers of the directorate. The act of the majority of the
 9 medical directorate members when in session as a directorate shall be deemed
 10 to be the act of the directorate.

11 (3) Any investigation, inquiry or hearing that the medical directorate
 12 has power to undertake or hold may be undertaken or held by or before any
 13 directorate member designated for that purpose by the directorate.

14 (4) Every finding, order or decision made by a directorate member
 15 so designated, pursuant to such investigation, inquiry or hearing, when
 16 approved and confirmed by the medical directorate and ordered filed in its
 17 office, shall be and be deemed to be the finding, order or decision of the
 18 directorate.

19 31-5941. MEDIATION BY THE IDAHO EMS PHYSICIAN COMMISSION OF MEDICAL
 20 DIRECTORATE DISPUTES. In the event that a dispute arises between medical
 21 directorate members over the governance of medical operations of the EMSS
 22 authority and remains unresolved after review by the EMSS authority board,
 23 the parties to the dispute shall be required, prior to initiating any legal
 24 action, to submit the contested issue or issues to the Idaho emergency
 25 medical services physician commission for mediation pursuant to rules
 26 adopted by said commission. The Idaho emergency medical services physician
 27 commission shall have one hundred (100) days from the date of receipt of
 28 documented issues to mediate and recommend a course of action to the parties
 29 involved in the dispute. All emergency medical services agency medical
 30 directors and members of the EMSS authority must respond to inquiries or
 31 requests for testimony made by the commission. Any recommendation of the
 32 commission shall be advisory only and shall not be binding on the parties
 33 involved. After receipt of any recommendation by the commission, the
 34 parties may accept, in whole or in part, the recommendation or may initiate
 35 legal action as provided by contract or law.

36 31-5942. PROVISION OF EMS SERVICES THROUGH CONTRACT. (1) Two (2) or
 37 more EMSS authorities may agree to contract with each other for the provision
 38 of emergency medical services.

39 (2) A county not within an established EMSS authority and an EMSS
 40 authority with one (1) or more contiguous boundaries may contract for the
 41 provision of emergency medical services.

42 SECTION 2. That Section 31-1429, Idaho Code, be, and the same is hereby
 43 amended to read as follows:

44 31-1429. INCLUSION, ANNEXATION OR WITHDRAWAL OF AREA IN
 45 CITIES. Except as otherwise provided in section 50-224, Idaho Code, any
 46 area embraced within the limits of any city may, with the consent of the
 47 governing boards of such city and the respective fire protection district,

expressed by ordinance or resolution, be included within the limits of a fire protection district, when formed, or be subsequently annexed thereto. Any area in any city embraced within the limits of a fire protection district, shall, upon the consent of the governing boards of such city and fire protection district, expressed by ordinance or resolution, be withdrawn from such fire district. In the event that such fire district is a provider of ambulance services, such withdrawal can only be implemented with the consent of emergency medical services system authority board as provided for in chapter 59, title 31, Idaho Code.

SECTION 3. That Section 31-1430, Idaho Code, be, and the same is hereby amended to read as follows:

31-1430. COOPERATION AND RECIPROCATING USE OF FIREFIGHTING FORCES AND APPARATUS OF DISTRICTS AND CITIES. Fire protection districts shall have all of the powers given to political subdivisions of the state of Idaho as set forth in section 67-2339, Idaho Code, and sections 67-2326 through 67-2333, Idaho Code, inclusive, to enter into intra-agency and mutual aid agreements with other political subdivisions and municipalities in Idaho, and in other states, for the purposes of protecting life and property against loss by fire and for all other purposes of this chapter. With the exception of the provisions contained in sections 31-1438 and 31-1439, Idaho Code, ~~a~~Any fire protection district or city fire department extinguishing a fire or responding to a call for emergency assistance to persons or property not situated within the taxing authority of the fire district or city fire department, is authorized to charge a reasonable fee for the services provided and shall have a lien upon property serviced, which lien shall be filed of record against the property in the name of the district or city in the time and manner provided by section 45-507, Idaho Code, for liens of original contractors. Fire districts and cities are also authorized to charge reasonable fees for services provided to residents located within the fire district or city in accordance with the requirements and procedures contained in sections 63-1311 and 63-1311A, Idaho Code, and shall have a lien upon the property serviced as provided in this section.

SECTION 4. That Section 31-1434, Idaho Code, be, and the same is hereby amended to read as follows:

31-1434. ANY DISSOLUTION. Dissolution of any fire protection district organized under this chapter may be initiated by a petition signed by at least twenty-five percent (25%) of the holders of title, or evidence of title, to the real property within the fire protection district, requesting dissolution of such fire protection district, in the following manner:

The petition shall first be presented to the board of county commissioners of each county in which the fire protection district is situated, signed by the number of holders of title or evidence of title above provided, which petition shall clearly designate the boundaries of the fire protection district and shall state the name of the district and shall be accompanied by a map thereof. The petition, together with all maps and other papers filed therewith, shall, at proper hours, be open to public inspection in the office of the clerk of the board of county commissioners

1 between the date of their said filing and the date of the election on the
2 question of districts as hereafter provided. The petition may be in one (1)
3 or in several papers. When such petition is presented to the board of county
4 commissioners, and filed in the office of the clerk of the board, the said
5 board shall set a time for hearing of such petition, which time shall not be
6 less than four (4) nor more than six (6) weeks from the date of the presenting
7 and filing of said petition. A notice of the time of such hearing shall be
8 published by said board, once a week for three (3) successive weeks previous
9 to the time set for such hearing, in a newspaper published within the county
10 in which said district is situated. Said notice shall give the boundaries of
11 the fire protection district and shall state that a petition has been filed
12 to dissolve the same, and that on the date fixed for the hearing, any taxpayer
13 within the district, may appear at the hearing and testify and/or present
14 exhibits upon any issue pertaining to the proposed dissolution of the fire
15 district, or may object to or support the proposed dissolution.

16 After hearing and considering any and all testimony and other evidence
17 either made in favor of or in opposition to the dissolution of the fire
18 district, if the board of county commissioners makes a sufficient factual
19 finding that the majority of the residents of the fire district will receive
20 no benefit by continuing the existence of the fire district, the county
21 commissioners shall make an order granting the petition, with or without
22 modification. Provided however, the board of county commissioners, after
23 hearing and considering all testimony and other evidence either in favor
24 of or in opposition to the dissolution of the fire district, cannot make
25 a sufficient factual finding that the majority of the residents of the
26 fire district will receive no benefit by continuing the existence of the
27 fire district, the county commissioners shall make an order denying the
28 petition. After the county commissioners have entered their order approving
29 or denying such petition, the clerk of the board of county commissioners
30 shall cause to be published, a notice of election to be held in such proposed
31 fire protection district, for the purpose of determining whether or not the
32 same shall be dissolved. Such notice shall plainly and clearly designate
33 the boundaries of the fire protection district, its name, and further,
34 that the election is to be held to decide the question of whether the fire
35 protection district shall be maintained or dissolved. Such notice shall be
36 published once in each week for three (3) successive publications prior to
37 such election, in a newspaper published within the county aforesaid.

38 Such notice shall require the electors to cast ballots which shall
39 contain the words "fire protection district dissolved yes" or: "fire
40 protection district dissolved no" or words equivalent thereto. No
41 person shall be entitled to vote at any election held under the provisions
42 of this chapter, unless he shall possess all the qualifications required
43 of electors under the general laws of the state and be a resident of the
44 district.

45 The election qualifications of electors and canvass of the ballots
46 shall be made in the same manner as provided for in sections 31-1406 and
47 31-1407, Idaho Code.

48 If a majority of the electors voting at such election shall vote to
49 dissolve the fire protection district, the board of county commissioners
50 shall, after certifying the results of such election, enter an order upon

1 the minutes of its official proceedings dissolving said fire protection
2 district, and such district shall thereupon be dissolved.

3 Provided, however, that whenever a petition requesting dissolution of
4 a fire protection district is signed by the holders of title, or evidence
5 of title, to all of the real property included within the fire protection
6 district and is presented to the board of county commissioners of the county
7 in which the fire protection district is situated, accompanied by a map
8 clearly designating the boundaries of the district, the board of county
9 commissioners shall set a time for hearing of such petition, which time
10 shall not be less than four (4) nor more than six (6) weeks from the date of
11 the presenting and filing of said petition. A notice of the time and place
12 of such hearing shall be published by said board once a week for three (3)
13 successive weeks previous to such hearing, in a newspaper published within
14 the county in which the fire protection district is situated. Said notice
15 shall give the boundaries of the fire protection district and shall state
16 that a petition has been filed to dissolve the same, and that on the date
17 fixed for the hearing, any resident, taxpayer, or creditor of such fire
18 protection district may appear and offer any objection to the dissolving
19 of the fire protection district. If at such hearing, no protests are made
20 to the granting of the petition, the board of county commissioners shall
21 enter an order upon the minutes of its official proceedings dissolving such
22 fire protection district, and such district shall thereupon be dissolved.
23 If, however, any protests from residents, taxpayers, or creditors of the
24 district are entered at such hearing, the board of county commissioners
25 shall, within thirty (30) days of said hearing, determine whether or not such
26 fire protection district shall be dissolved and shall cause an order to that
27 effect to be entered upon the minutes of its official proceedings. If the
28 board determines that the fire protection district shall be dissolved, such
29 dissolution shall be effective as of the date of the entry of such order upon
30 the minutes.

31 The property of such district shall ~~remain~~ become the property of the
32 county emergency medical services system (EMSS) authority, as provided for
33 in chapter 59, title 31, Idaho Code, in which such district is located and
34 any emergency medical service agency money remaining in the fund of such
35 district shall be expended in the maintenance and repair of the highways of
36 such district whether such highways at the time of the dissolution, are in
37 the incorporated territory or in unincorporated territory deposited in the
38 EMSS authority fund, established pursuant to section 31-5910, Idaho Code,
39 for the provision of emergency medical services by other agencies within the
40 EMSS authority.

41 If the district is situated in two (2) or more counties, each board of
42 county commissioners shall coordinate the hearing date and the publications
43 of notice so that only one (1) hearing need be held. Unless otherwise
44 agreed to by each board of county commissioners involved, the hearing shall
45 be held at the administrative offices of the district, and the boards of
46 county commissioners are hereby specifically authorized to act in a joint
47 manner for such purposes. If an election is called, the boards of county
48 commissioners shall provide that the election be held on the same day in each
49 county, and the boards of county commissioners shall coordinate the canvass
50 of the votes cast and make one (1) joint announcement. If a majority of votes

1 in any county are against the dissolution of the district, such rejection
2 shall void the dissolution of the district in all counties.

3 SECTION 5. That Chapter 14, Title 31, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and
5 designated as Section 31-1438, Idaho Code, and to read as follows:

6 31-1438. PROHIBITION FROM CHARGING THE EMSS AUTHORITY FOR
7 RESPONSES. Except as provided for in a contract for services between the
8 emergency medical services system (EMSS) authority, as provided for in
9 chapter 59, title 31, Idaho Code, and the fire district, the fire protection
10 district is prohibited from charging the EMSS authority for emergency
11 medical services responses.

12 SECTION 6. That Chapter 14, Title 31, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and
14 designated as Section 31-1439, Idaho Code, and to read as follows:

15 31-1439. CONFORMING WITH EMSS AUTHORITY RATE SETTING DECISIONS. Any
16 fire protection district that provides emergency medical services, as
17 defined in section 56-1012, Idaho Code, shall conform to rate setting
18 decisions of the emergency medical services system authority, as provided
19 for in chapter 59, title 31, Idaho Code, for emergency medical services
20 responses and emergency medical services related services.

21 SECTION 7. That Section 31-3901, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 31-3901. AUTHORIZATION TO ESTABLISH AMBULANCE SERVICE -- SPECIAL
24 LEVY. The boards of county commissioners in the several counties are hereby
25 authorized, ~~whenever existing ambulance service is not reasonably available~~
26 ~~to the inhabitants of the county or any portion thereof and at the request of~~
27 an emergency medical services system (EMSS) authority and in accordance with
28 chapter 59, title 31, Idaho Code, to procure an ambulance and other resources
29 necessary to operate an ambulance and pay for the same out of any funds
30 available and to establish an ambulance service to serve the areas, ~~which do~~
31 ~~not have an existing ambulance service reasonably available~~ designated by
32 the EMSS authority, both within and outside the cities and villages in their
33 respective counties, and to levy a special tax not to exceed two hundredths
34 percent (.02%) of the market value for assessment purposes on all taxable
35 property within the county to support the same. Providing ambulance service
36 is a governmental function.

37 SECTION 8. That Section 31-3902, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 31-3902. COUNTY TREASURERS TO ESTABLISH AMBULANCE SERVICE FUND. The
40 county treasurer of each county in which an ambulance service has been
41 established pursuant to this act shall establish a fund to be designated as
42 the ambulance service fund, and used exclusively for the purposes of this
43 ~~act~~ chapter and the purposes required by chapter 59, title 31, Idaho Code.

1 This fund shall remain separate and apart from a fund established pursuant
 2 to section 31-5910, Idaho Code.

3 SECTION 9. That Section 31-3903, Idaho Code, be, and the same is hereby
 4 amended to read as follows:

5 31-3903. AMBULANCE SERVICE -- POWERS AND DUTIES OF BOARD OF COUNTY
 6 COMMISSIONERS. The board of county commissioners shall determine the
 7 manner in which said ambulance service shall be operated in accordance
 8 with the authority and the provisions of chapter 59, title 31, Idaho Code,
 9 and is empowered to make expenditures from the ambulance service fund for
 10 the purchase or lease of real property and the construction of buildings
 11 necessary in connection with said service, to acquire necessary equipment
 12 for the operation and maintenance of said service, and to pay necessary
 13 salaries.

14 SECTION 10. That Section 31-3904, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 31-3904. AMBULANCE SERVICE -- FEES. The board of county commissioners
 17 shall adopt a schedule of fees ~~to be charged for the use of said ambulance~~
 18 ~~service established pursuant to section 31-5924, Idaho Code.~~ All such
 19 fees shall be collected, accounted for and paid to the county treasurer for
 20 deposit in the ambulance service fund, and shall be used to pay expenses as
 21 incurred in the maintenance and operation of said ambulance service.

22 SECTION 11. That Section 31-3905, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 31-3905. AMBULANCE SERVICE -- ~~OPERATION DEPENDENT UPON RESOLUTION~~
 25 ~~OF EACH CITY -- RIGHT TO TAX UNAFFECTED BY NONSERVICE BOUNDARIES OF TAX~~
 26 ~~LEVY.~~ All cities and villages within the county, upon resolution duly
 27 passed and approved and presented to the board of county commissioners, may
 28 authorize said ambulance service to operate within the boundaries of said
 29 city or village, but the failure of any such governing body to authorize said
 30 ambulance service to operate within the limits and of said village or city,
 31 The special tax permitted pursuant to sections 31-3901 and 31-3908(4), Idaho
 32 Code, may be levied on all geographic areas within the boundaries of the
 33 county. The level of service provided shall not affect the right of the board
 34 of county commissioners to levy the tax as hereinbefore provided.

35 SECTION 12. That Section 31-3906, Idaho Code, be, and the same is hereby
 36 repealed.

37 SECTION 13. That Section 31-3907, Idaho Code, be, and the same is hereby
 38 amended to read as follows:

39 31-3907. AMBULANCE SERVICE -- TERMINATION OF. Any county having
 40 adopted and established an ambulance service as provided in this act, may
 41 terminate the same for good cause by the adoption of a resolution by the
 42 board of county commissioners. Upon the termination of said ambulance

1 service, all vehicles and property not necessary for other county purposes
 2 shall be sold and the proceeds therefrom paid to the county treasurer to
 3 be deposited in the ~~general fund of the county~~ emergency medical services
 4 system authority fund established pursuant to section 31-5910, Idaho Code.
 5 All moneys on deposit in the ambulance service fund shall be transferred
 6 to ~~the general fund of the county~~ said emergency medical services system
 7 authority fund.

8 SECTION 14. That Section 31-3909, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 31-~~3909~~5946. IMMUNITY OF ~~AMBULANCE ATTENDANT~~ LICENSED EMS
 11 PERSONNEL. No action shall lie or be maintained for civil damages in any
 12 court of this state against any person or persons, or group of persons,
 13 including ~~ambulance attendants employed by an ambulance service district~~
 14 licensed emergency medical services personnel working for a licensed
 15 emergency medical services agency, who offers and administers first aid or
 16 emergency medical attention as a part of his normal duty as an ~~ambulance~~
 17 ~~attendant~~ licensed emergency medical services personnel pursuant to section
 18 56-1016, Idaho Code, to any person or persons utilizing the services and
 19 facilities of an ~~ambulance service district~~ licensed emergency medical
 20 services agency, unless it can be shown that the person or persons offering
 21 or administering first aid or emergency medical attention is guilty of
 22 gross negligence in the care or treatment offered or administered, or has
 23 treated them in a grossly negligent manner. The immunity described herein
 24 shall cease upon delivery of the injured or treated person to either a
 25 generally recognized hospital for treatment of ill or injured persons,
 26 ~~or~~ upon assumption of treatment in the office or facility of any person
 27 undertaking to treat said ill or injured person or persons or upon conclusion
 28 of the medical intervention.